**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION NO.24518 OF 1999**

**DATED: 20-04-2007**

Between:

K. Kishen Rao

.. Petitioner

and

A.P.S.R.T.C. represented by its Depot Manager, Adilabad Region, Adilabad and another.

.. Respondents

**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION NO.24518 OF 1999**

**ORDER:**

This writ petition is filed questioning the proceedings No.01/114(11)/99-ADB, dated 22.10.1999, issued by the 1st respondent ordering de novo enquiry into the charge levelled against the petitioner and to quash the same.

It appears, the petitioner has joined in the service of the A.P. State Road Transport Corporation (for short 'A.P.R.T.C.') in the year 1983 as Conductor. While he was working at Adilabad Depot in the year 1999, a complaint, dated 08.08.1999, was received from one Waman Rao stating that the petitioner has married another woman having his wife alive. Thereupon, a charge sheet was issued on 26.08.1999 and the petitioner was placed under suspension pending enquiry. The Enquiry Officer conducted a detailed enquiry and submitted his report, dated 03.09.1999, stating that the charge levelled against the petitioner was not proved. Pursuant to the said report, the 1st respondent, by his proceedings, dated 03.09.1999, raised the suspension and subsequently the petitioner was posted at Nirmal Depot treating the period of suspension as 'leave due'. Thereafter, surprisingly, the impugned proceedings, dated 22.10.1999, were issued by the 1st respondent stating that the earlier enquiry is a defective one and hence the 2nd respondent is nominated as Enquiry Officer to conduct a de novo enquiry into the matter. Aggrieved by the

same, the petitioner filed the present writ petition.

Head both sides.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned proceedings and other material available on record.

The Enquiry Officer, who conducted a detailed enquiry, in his report dated 03.09.1999, held that on a careful study of complaint, it is clear that the complainant failed to show clear evidence except the certified copy of the entry of electoral rolls to say that the delinquent, having married with Smt Rekha Rani, was residing at House No.5-1-309, Hyderabad. On verification of different electoral rolls certified by the Assistant Commissioner of Asifnagar Constituency, it is clear that so many errors took place in the electoral rolls and hence he was of the opinion that the electoral roll is not a sufficient documentary evidence to say that the delinquent is having two living wives. It was further stated that on verification of ration card No.84277, it is clear that the delinquent is not residing at House No.5-1-309, Hyderabad and Smt Shantha, wife of the delinquent, had clearly stated that her husband is residing with her and he did not marry any other woman.

In fact, I have my own doubt as to whether such a serious dispute between the parties could be decided in a domestic enquiry by the A.P.S.R.T.C. under its regulations. If a competent civil or criminal Court finds that the petitioner has two living wives, the authorities are at liberty to take action as required under law. However, the impugned proceedings, dated 22.10.1999, do not reveal any reasons as to why a de novo enquiry is proposed and how the earlier enquiry conducted by the Enquiry Officer is defective. The counter filed by the respondents also does not reveal any such reasons. In fact, the very

complainant, who gave the alleged complaint against the petitioner, did not appear before the Enquiry Officer. Therefore, contemplating a de-novo enquiry into the matter, which was enquired in detail earlier and a report with clear findings was submitted, is not at all supported by any plausible reasons. Therefore, the impugned proceedings are liable to be set aside and accordingly set aside.

The writ petition is accordingly allowed. No costs.

**C.V. RAMULU, J**

20th April, 2007.
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